

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Case No.: 19-41348-nhl

In Re:

NORTHERN BOULEVARD AUTOMALL LLC.
d/b/a/ LONG ISLAND VOLKSWAGEN,

Adv. Pro. No. 1-19-01070-nhl

Debtor.

RICHARD MCCORD, ESQ. as CHAPTER 11 Trustee For
The Estate Of Northern Boulevard Automall, *LLC d/b/a*
LONG ISLAND CITY VOLKSWAGEN

Plaintiff,

-against-

5615 NORTHERN LLC, 1142 NORTH, LLC, 54 BWAY
LLC, DIO LONG, LLC, 2545 BORDEN, LLC, DIO
NORTH, LLC, VALLEY MERRICK, LLC, and SPYRO
AVDOULOS,

Defendants.

5615 NORTHERN, LLC, 142 NORTH LLC, 54 BWAY
LLC, DIO LONG, LLC , 2545 BORDEN, LLC, DIO
NORTH, LLC, VALLEY MERRICK, LLC, and SPYRO
AVDOULOS,

Third-Party Plaintiffs,

-against-

NIKOLAOS LETSIOS a/k/a NICK LETSIOS, MARINA
LETSIOS, JANET BEBRY, GEORGE S.
PAPANTONIOU, VALLEY AUTO SHOW, JOHN
MARCIANO, RESPECT AUTO QUEENS I, LLC
STEVAN H. LABONTE and LABONTE LAW GROUP
PLLC,

Third-Party Defendants.

**NOTICE OF THIRD-PARTY DEFENDANTS', STEVAN H. LABONTE AND LABONTE
LAW GROUP, PLLC, JOINDER OF THIRD-PARTY DEFENDANTS' MOTION TO
DISMISS THE FIRST AMENDED THIRD-PARTY COMPLAINT**

1. PLEASE TAKE NOTICE that Furman Kornfeld & Brennan LLP, attorneys for Third-Party Defendants Stevan H. LaBonte and LaBonte Law Group, PLLC (collectively “Attorney LaBonte”), hereby submits the following Joinder (“Joinder”) of the argument and entirety of relief sought by Third-Party Defendants’, Nikolaos Letsios (“Letsios”), Marina Letsios, and Janet Bebry (collectively, the “Third-Party Defendants”), Motion to Dismiss the Third-Party Plaintiff’s Third-Party Complaint [ECF Dkt. 60] (the “Motion to Dismiss”), pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable herein by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure (“FRBP”).

2. On May 29, 2019, Richard McCord, Chapter 11 Trustee for the Estate of Northern Boulevard Automall, LLC d/b/a Long Island City Volkswagen commenced the above-captioned adversary proceeding in the United States Bankruptcy Court, Eastern District of New York, under the above referenced case number. [ECF Dkt. 1].

3. On August 26, 2019, Third-Party Plaintiffs 5615 Northern, LLC, 142 North, LLC, 54 Bway, LLC, Dio Long, LLC, 2545 Borden, LLC, Dio North, LLC, Valley Merrick, LLC, and Spyro Avdoulos (collectively “Third-Party Plaintiff”) filed a Third-Party Complaint against Third-Party Defendants and Attorney LaBonte. [ECF Dkt. 24].

4. On September 16, 2019, Third-Party Plaintiff filed the First Amended Third-Party Complaint. [ECF Dkt. 26].

5. The First Amended Third-Party Complaint asserts claims of: (1) breach of fiduciary duty and/or aiding a breach of fiduciary duty; (2) civil conspiracy; (3) indemnification; and (4) contribution against Attorney LaBonte arising from Attorney

LaBonte's alleged representation of Letsios in connection with an alleged "Buy-out Proposal" for the Debtor.

6. Because the Debtor was the directly injured party based on the allegations in the Third-Party Complaint, Attorney LaBonte joins in the arguments submitted by Third-Party Defendants asserting that Third-Party Plaintiff lacks standing to pursue any such claims.

7. Finally, Attorney LaBonte joins in the arguments submitted by Third-Party Defendants in that Third-Party Plaintiff fails to plead any claims for relief against Attorney LaBonte.

CONCLUSION

Therefore, it is respectfully requested that this Court enter an order dismissing the Third-Party Plaintiff's First Amended Third-Party Complaint.

Dated: New York, New York
November 18, 2022

FURMAN KORNFELD & BRENNAN LLP

By: /s/Spencer Richards
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